UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

LIBERTY MUTUAL INSURANCE

08-CV-7192 (DC)

COMPANY, et al.,

Electronically Filed

Plaintiffs,

-against-

NOTICE OF MOTION TO DISMISS

ROBERT H. HURLBUT, et al.,

Defendants.

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and upon all prior proceedings, the defendants, by their attorney, Andrew M. Cuomo, Attorney General of the State of New York, will move this court before the Honorable Denny Chin, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an order pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint on the grounds that the court lacks jurisdiction and the complaint fails to state a claim upon which relief can be granted, and granting such other and further relief as to the Court may seem just and proper.

Dated: New York, New York August 26, 2008

Yours, etc.,

ANDREW M. CUOMO Attorney General of the State of New York Attorney for Defendants

By:

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